

**REMARKS**

In this Amendment, claim 1 has been amended to recite --a fluorine-containing polymer (A) comprising s fluoroolefin unit and vinyl versatate unit and/or vinyl benzoate unit as essential components--. Support is found, for example, at page 5, line 15-page 6, line 7 and the working examples of the specification.

Claim 4 has been amended to recite --a thermosetting fluorine-containing polymer (IIa) having a crosslinkable reactive group--. This amendment is supported by the specification at, for example, page 18, lines 1-4.

Claim 5 has been amended to replace "1,4-decarboxylic acid" with --1,4-cyclohexane dicarboxylic acid--. This amendment is supported by original claim 5.

Claim 6 has been added as a new claim. Claim 6 is supported by the specification at, for example, page 10, lines 10-14 and page 6, lines 11-12.

Claim 2 has been canceled.

No new matter has been added, and thus entry of the Amendment is respectfully submitted to be proper. Upon entry of the present Amendment, claims 1 and 4-6 will be all the claims pending in the application.

At page 2 of the Office Action, claims 1 and 2 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Murakami et al.

Applicants respectfully submit that claim 1 is not obvious over Murakami et al. In the present Amendment, Applicants have canceled claim 2.

Although Murakami et al teaches that in the preparation of the polymer (B-1), a large number of other vinyl monomers may be used together with the ( $\beta$ -methyl)glycidyl group-containing vinyl monomer and the hydroxyl group-containing vinyl monomer (col. 4, lines 3-7), Murakami et al does not disclose the specific combination of vinyl versatate and a fluorine-containing vinyl monomer.

As described in the present specification, the combination of a fluoroolefin unit and vinyl versatate unit and/or vinyl benzoate unit is a selective invention that provides unexpectedly superior results.

As shown in Table 2 of the specification, the fluorine-containing polymer (II-1) of Preparation Example 7 has Veova ® 9 (vinyl versatate) unit and the fluorine-containing polymer (II-2) of Preparation Example 8 has VBz (vinyl benzoate) unit. These fluorine-containing polymers ((II-1) and (II-2)) are comparable with the fluorine-containing polymer (II-3) of Preparation Example 9 which has EVE (ethyl vinyl ether) unit instead of Veova ® 9 unit and VBz unit.

The effects of the use of vinyl versatate unit are demonstrated by comparing the results of Example 1 with Example 17 and Example 2 with Example 18 (Table 4). For the Examiner's convenience, Applicants have herein summarized the results in the following table. As clearly shown, the use of vinyl versatate unit unexpectedly improves appearance, gloss, weather resistance and anti-blocking property.

	Ex. 1	Ex. 17	Ex. 2	Ex. 18
Polyester Polymer	I-1 (41.8)	I-1 (41.8)	I-1 (23.0)	I-1 (23.0)
<b>Fluoropolymer</b>	<b>II-1</b> (Veova 9) (17.9)	<b>II-3</b> (EVE) (17.9)	<b>II-1</b> (Veova 9) (34.5)	<b>II-3</b> (EVE) (34.5)
Appearance	A	B	B	C
Gloss	88	70	80	68
Weather resistance	80	65	90	75
Anti-blocking	A	B	A	B

The effects of the use of vinyl benzoate unit are demonstrated by comparing the results of Example 3 (Table 3) with Example 17 (Table 4) and Example 4 (Table 3) with Example 18 (Table 4). For the Examiner's convenience, Applicants have herein summarized the results in the following table. As clearly shown, the use of vinyl benzoate unit unexpectedly improves appearance, gloss, weather resistance and anti-blocking property.

	Ex. 3	Ex. 17	Ex. 4	Ex. 18
Polyester Polymer	I-1 (41.0)	I-1 (41.8)	I-1 (22.2)	I-1 (23.0)
<b>Fluoropolymer</b>	<b>II-2</b> (VBz) (17.6)	<b>II-3</b> (EVE) (17.9)	<b>II-2</b> (VBz) (33.3)	<b>II-3</b> (EVE) (34.5)
Appearance	A	B	B	C
Gloss	89	70	77	68
Weather resistance	82	65	89	75
Anti-blocking	A	B	A	B

In the Advisory Action, the Examiner considered that the evidence of unexpected results was not commensurate in scope with the claims, in that claim 1 encompasses a thermosetting powder comprising a fluorine-containing polymer having negligible amounts of fluoroolefin unit and vinyl versatate unit and/or vinyl benzoate unit. The Examiner does not dispute that the test results are in fact unexpectedly superior over the applied prior art.

In response, claim 1 has been amended to recite that a fluoroolefin unit and vinyl versatate unit and/or vinyl benzoate unit are contained as essential components in a fluorine-containing polymer (A). As such, the test results are now commensurate in scope with the invention as claimed, and withdrawal of the foregoing rejection is respectfully requested.

At page 2 of the Office Action, claims 4 and 5 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Foukes et al (U.S. Pat. No. 5,536,785).

AMENDMENT UNDER 37 C.F.R. § 1.114(c)  
U.S. Appln. No. 09/869,430

Applicants respectfully submit that claims 4 and 5 as amended are not obvious over Foukes et al.

The flow control agent described in Foukes et al is a non-functional fluorinated polyester (column 7, lines 38-47).

On the other hand, as mentioned above, in this Amendment, Applicants have amended claim 4 to recite a thermosetting fluorine-containing polymer (IIa) having a crosslinkable reactive group. As described on page 18 of the present specification, lines 1-4, the use of the thermosetting fluorine-containing polymer (IIa) improves compatibility with the polyester (polymer (I)) and weather resistance.

Accordingly, the present invention is not obvious over Foukes et al. The Examiner is respectfully requested to reconsider and withdraw the rejection over Foukes et al.

At page 3 of the Office Action, claim 2 has been rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

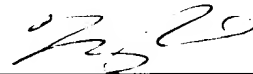
Applicants respectfully submit that the rejection is moot, as claim 2 has been canceled.

In view of the above, reconsideration and allowance of claims 1 and 4-6 are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.114(c)  
U.S. Appln. No. 09/869,430

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Fang Liu  
Registration No. 51,283

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: September 15, 2003